IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19934 of 2004

Between:

N. Chinna Subbarayalu, S/o. Chenchaiah,
Chevireddipalli, chevireddipalli Gram Panchayat,
Venkatagiri Mandal, Nellore District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Panchayat Raj and Rural Employment Department, Secretariat

Buildings, Hyderabad.

2 The Government of Andhra Pradesh, Rep. by its Secretary,
Municipal Administration Department, Secretariat Buildings,

Hyderabad.

3 The District Collector, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents not to convert Venkatagiri Gram Panchayat, Namely, Ammavaripeta, Chevireddypalli, Manulalpeta, Bangarupeta, and Periyavaram

Counsel for the Petitioner:MR.M.JAGANNATHA SARMA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following ORDER:

Petitioner, Sarpanch of Chevireddipalli Gram Panchayat, filed this writ petition apprehending upgradation of Venkatagiri Gram Panchayat into Municipality by amalgamating Ammavaripeta, Chevireddypalli, Manulalpeta, Bangarupeta and Periyavaram Gram Panchayats. It is stated that Eenadu and Vartha daily newspapers published reports to the effect that the State Government is contemplating for the conversion of Venkatagiri Gram Panchayat into Municipality by amalgamating six Gram panchayats and accordingly directed the District Collector to send a report immediately, for which the Revenue Divisional Officer concerned prepared a report.

Heard learned counsel for the petitioner and learned Government Pleader for Panchayat Raj and Rural Development.

After going through the entire material available on record, it is seen that the petitioner approached this Court only with an apprehension of conversion of Venkatagiri Gram Panchayat along with other Gram Panchayats into Municipality, basing on the reports published in Eenadu and other daily news papers. Even from a perusal of the reports published, it is clear that the Government directed the District Collector to send a report, for which, the Revenue Divisional Officer prepared a report. It cannot be presumed that the respondents, without following the due procedure required, proceed with the constitution of Municipality.

For the foregoing reasons, the writ petition is premature and it cannot be entertained.

The writ petition is accordingly dismissed. However, as and when notification for constitution of Municipality is issued, the petitioner is at liberty to challenge the same.

01.11.2004

ksld

To

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Panchayat Raj and Rural Employment Department, Secretariat

Buildings, Hyderabad.

2 The Government of Andhra Pradesh, Rep. by its Secretary,
Municipal Administration Department, Secretariat Buildings,

Hyderabad.

3 The District Collector, Nellore, Nellore District.

4 Two CCs to the GP for Panchayat Raj and Rural Development, High

Court of A.P. (OUT)

5 Two CD copies.